

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: NOV 15 2017

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UNITED STATES OF AMERICA

- v. -

MERLIN DILONE,  
a/k/a "Negro,"

Defendant.  
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SEALED INDICTMENT

17 CRIM (7) 07

COUNT ONE

**(Murder in Aid of Racketeering Activity)**

The Grand Jury charges:

BACKGROUND

1. At all times relevant to this Indictment, MERLIN DILONE, a/k/a "Negro," the defendant, and others known and unknown, were members and associates of a group that engaged in narcotics trafficking, street-level drug distribution, robbery, murder, and attempted murder in the vicinity of Weeks Avenue in the Bronx, New York and elsewhere (the "Weeks Avenue Enterprise" or "Enterprise").

2. The Weeks Avenue Enterprise, including its leadership, membership, and associates, constituted an "enterprise," as that term is defined in Title 18, United States Code, Section 1959(b)(2) - that is, a group of individuals associated in fact, although not a legal entity, which was engaged in, and the activities of which affected, interstate and foreign commerce.

The Weeks Avenue Enterprise was an organized criminal group based in the Bronx, New York, that operated in the Southern District of New York and elsewhere and constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

3. The Weeks Avenue Enterprise, through its leaders, members, and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Section 1959(b) (1) and 1961(1), namely, acts involving robbery and murder chargeable under the laws of New York State and punishable by imprisonment for more than one year, and offenses involving narcotics trafficking and street-level drug distribution, in violation of Title 21, United States Code, Sections 841 and 846.

PURPOSES OF THE ENTERPRISE

4. The purposes of the Weeks Avenue Enterprise included the following:

a. Preserving and protecting the power, territory, and profits of the Enterprise through murder, attempted murder, and other acts of violence.

b. Promoting and enhancing the Enterprise and the activities of its members and associates.

c. Enriching the members and associates of the Enterprise through, among other things, the trafficking,

distribution, and sale of narcotics, including cocaine, cocaine base, heroin, and marijuana, as well as robberies.

MEANS AND METHODS OF THE ENTERPRISE

5. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the Weeks Avenue Enterprise were the following:

a. Members and associates of the Enterprise trafficked and distributed narcotics.

b. Members and associates of the Enterprise committed, conspired, and attempted to commit robberies.

c. Members and associates of the Enterprise committed, conspired, and attempted to commit acts of violence, including murder and attempted murder, against individuals adverse to the Enterprise.

STATUTORY ALLEGATIONS

6. On or about March 9, 2016, in the Southern District of New York and elsewhere, MERLIN DILONE, a/k/a "Negro," the defendant, for the purpose of gaining entrance to and maintaining and increasing position in the Weeks Avenue Enterprise, an enterprise engaged in racketeering activity, as described above, intentionally and knowingly murdered and aided and abetted the murder of Eddy Guzman, a/k/a "Goddue," that is, with the intent to cause the death of Guzman, did cause the

death of Guzman and under circumstances evincing a depraved indifference to human life, did recklessly engage in conduct which created a grave risk of death to another person, and thereby caused the death of Guzman, in the vicinity of 431 West 202nd Street, New York, New York, in violation of New York Penal Law, Sections 125.25 and 20.00.

(Title 18, United States Code, Sections 1959(a)(1) and 2.)

SPECIAL FINDINGS AS TO MERLIN DILONE

7. Count One of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count One of the Indictment, alleging the murder of Eddy Guzman, a/k/a "Goddue," MERLIN DILONE, a/k/a "Negro," the defendant:

a. was eighteen years of age or older at the time of the offense;

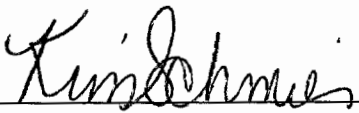
b. intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));

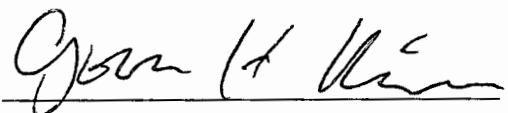
c. intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B));

d. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and

the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C)); and

e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D)).

  
FOREPERSON

  
JOON H. KIM MS  
Acting United States Attorney

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SEALED INDICTMENT

17 Cr. \_\_\_\_ ( )

(Title 18, United States Code,  
Sections 1959(a)(1) and 2.)

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JOON H. KIM  
Acting United States Attorney

A TRUE BILL,

*Kim Schmees*

Foreperson.

11/15/17

Filed Indictment under seal  
Arrest warrant ordered

USMJ FOX *RF*